

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Lamont Tarrence McGee,

Civil 11-332 PJS/FLN

Plaintiff,

v.

O R D E R

State of Minnesota,

Defendant.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated February 17, 2011, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus [#1] is DENIED;
2. Petitioner's application for leave to proceed *in forma pauperis* [#2] is DENIED;
3. This action is DISMISSED WITH PREJUDICE; and
4. Petitioner is not granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 03/10, 2011.  
at Minneapolis, Minnesota

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge